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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

TOBIAS M. LATTIER

CIVIL ACTION NO. 09-0339

VERSUS

JUDGE ROBERT G. JAMES

WARDEN ALLEN CUPP, ET AL.

MAG. JUDGE KAREN L. HAYES

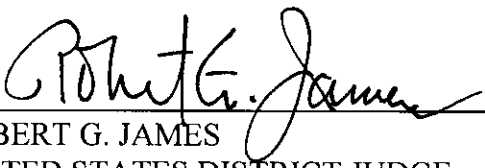
JUDGMENT

For the reasons contained in the Report and Recommendation of Magistrate Judge Hayes previously filed herein [Doc. No. 6], determining that the findings are correct under the applicable law, and noting the absence of objections to the Report and Recommendation in the record,

IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiff's civil rights complaint against Warden Cupp, the RDC Medical Department, and food service deputies Boone and Broussard be DISMISSED WITH PREJUDICE as frivolous and for failing to state a claim upon which relief may be granted pursuant to the provisions of 28 U.S.C. § 1915(e)(2).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that plaintiff's claims against Lieutenant Ham alleging verbal abuse or harassment be DISMISSED WITH PREJUDICE as frivolous and for failing to state a claim upon which relief may be granted pursuant to the provisions of 28 U.S.C. § 1915(e)(2), BUT PRESERVING plaintiff's claims against Lieutenant Ham based on allegations that he forced plaintiff to wear shoes despite having been informed of his medical need to wear slippers.

MONROE, LOUISIANA this 21 day of September, 2009.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE